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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 ALICIA HERNANDEZ, et al.,
11 individually and on behalf of all others
12 similarly situated,

13 Plaintiffs,

14 v.

15 WELLS FARGO BANK, N.A.,
16 Defendant.

Case No. 3:18-cv-07354 WHA

**SUPPLEMENTAL DECLARATION OF
SETTLEMENT ADMINISTRATOR
JENNIFER M. KEOUGH REGARDING
DISTRIBUTION OF SETTLEMENT
BENEFITS AND POST-DISTRIBUTION
ACCOUNTING**

17 I, JENNIFER M. KEOUGH, declare as follows:

18 1. I am the Chief Executive Officer (CEO) of JND Legal Administration, a legal
19 administration services provider with its headquarters located in Seattle, Washington. JND has
20 extensive experience with all aspects of legal administration and has administered settlements in
21 hundreds of class action cases. As CEO of JND, I am involved in all facets of our Company's
22 operations, including monitoring the implementation of our notice and claims administration
23 programs. JND was chosen as the Settlement Administrator¹ in this case after participating in a
24 competitive bidding process.
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27 ¹ Capitalized terms used and not otherwise defined herein shall have the meanings given such terms
28 in the Stipulation of Class Action Settlement.

2. This Supplemental Declaration is based on my personal knowledge and information provided to me by experienced JND employees, and if called to do so, I could and would testify competently thereto.

3. This Supplemental Declaration is intended to supplement my Declaration of Jennifer M. Keough Regarding Settlement Administration (“Administration Declaration”), dated August 10, 2020 and my Declaration of Settlement Administrator Jennifer M. Keough Regarding Distribution of Settlement Benefits and Interim Accounting (“Interim Post-Distribution Declaration”) dated April 27, 2021. The Administration Declaration and the Interim Post-Distribution Declaration are incorporated by reference herein and pertinent information in the Administration Declaration is summarized in the current accounting, filed concurrently with this Supplemental Declaration, which provides the information required by the Northern District of California’s *Procedural Guidance for Class Action Settlements*. See <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements>, at Post-Distribution Accounting, ¶ 1 (requiring specific information about the settlement distribution process be provided in an easy-to-read chart). This chart will be posted on the Settlement Website – <http://www.homeloanmodificationsettlement.com> – as required by the *Procedural Guidance for Class Action Settlements*. See *id.*, ¶ 1.b.

Court Approval of Distribution

4. On October 12, 2020, the Court entered the Order re Motion for Final Approval of Class Settlement and Motion for Attorney’s Fees and Expenses (“Order”), approving the distribution of payments to Class Counsel and the Settlement Class. On January 15, 2021, the Court entered the Order Granting Unopposed Request for Supplemental Distribution to Class Members (“Supplemental Order”), approving a further distribution of \$7,500 on a pro rata basis to Settlement Class Members.

5. Pursuant to the Settlement Agreement, an Escrow Account was established in the amount of \$18,500,000.00. On May 7, 2020, JND received \$6,000.00 via wire transfer into the established *Hernandez v. Wells Fargo Bank* Settlement Fund (“Settlement Fund”). On November 18, 2020, JND received \$18,494,000.00 via wire transfer into the Settlement Fund.

Class Counsel Fees and Expenses

6. On October 12, 2020, the Court awarded Class Counsel \$4,525,000 in attorneys' fees and \$335,000 in expenses in its Order.

7. On December 8, 2020, pursuant to the Court's Order, JND issued payments to Class Counsel in the amounts of \$2,262,500 for fees and \$335,000 for reimbursement of expenses.² The remaining 50 percent (\$2,262,500) of awarded fees will be issued after all funds have been properly distributed and the file can be completely closed, as directed by the Court. *See* ECF No. 292.

Administrative Expenses

8. Pursuant to the Order, JND was paid \$65,000 in Administration Expenses in connection with administering the Settlement and determining validity of claims with the Special Master.

Benefit Distribution

9. The Economic Damages fund (\$12,575,000) was calculated by reducing the Gross Settlement Fund (\$18,500,000) by \$1,000,000 in Emotional Distress funds, \$4,525,000 in attorneys' fees, \$335,000 in attorneys' expenses, and \$65,000 in administration costs. The Economic Damages fund was distributed to 505 Class Members who did not exclude themselves from the Settlement pursuant to the allocation plan approved by the Court. The Emotional Distress fund (\$1,000,000) was distributed to 121 Class Members who filed an Emotional Distress claim form validated by the Special Master.

10. On December 7, 2020, JND mailed 506 Economic Damages checks and 121 Emotional Distress checks to eligible Class Members (at the request of one class member, their economic damages awards were split among separate checks to co-borrowers on the same loan; JND subsequently reissued additional split payments at Class Members' direction). Class Members were provided with a 120-day period to deposit their checks before the checks became void after April 6, 2021.

11. Of the 627 original checks distributed, 27 were returned as undeliverable. JND undertook extensive address research and worked with Class Counsel to identify updated address

² Class Counsel returned \$7,500 of the cost award by wire to JND on January 15, 2021 and JND distributed this to class members pursuant to the Supplemental Order. ECF No. 305.

information for Class Members whose payments were returned to JND as undeliverable and, to the extent updated addresses were obtained, payments were promptly reissued. JND also conducted extensive outreach via phone and e-mail to Class Members whose payments were not returned as undeliverable but had not been deposited. JND answered Class Member questions, reminded them to cash their checks and, where appropriate, reissued payments.

12. On February 2, 2021, JND mailed 508 additional Economic Damages checks (“Supplemental Checks”) pursuant to the Court’s Supplemental Order. Class Members were provided with a 120-day period to deposit these checks before they became void after June 2, 2021.

13. On February 5, 2021, JND sent a reminder notice postcard (“Postcard Notice”) to 120 Class Members whose Economic Damages or Emotional Distress payment was not returned to JND as undeliverable but remained uncashed. The Postcard Notice informed Class Members how they could request a replacement check and encouraged them to cash their awards.

14. As of the date of this Supplemental Declaration (with all payments in this matter now void), a total of \$12,800,046.52 in class member payments have been cashed (a cash rate of 94.2%). The below chart details the settlement distribution process:

Total Settlement Fund:	\$18,500,000.00
Class Member Payments (Cashed):	\$12,800,046.52
Initial Attorney’s Fees Paid:	\$2,262,500.00
Attorney’s Expenses Paid:	\$327,500.00
Administration Costs Paid:	\$65,000.00
Current Settlement Fund Balance:	\$3,044,953.48
Remaining Attorney’s Fees to be Paid:	\$2,262,500.00
Pending Re-issue to Class Member Fayga Keats ³ :	\$21,511.12

³ After JND initiated the process of transferring the remaining uncashed balance to the states’ unclaimed property funds, class member Fayga Keats contacted JND requesting a re-issue of her economic damages and supplemental payments. At the Parties’ direction, JND will re-issue these payments to Ms. Keats with a shortened 14-day void date.

Payments to States' Unclaimed Property Funds:	\$760,942.36
Final Balance:	\$0.00

15. JND is currently coordinating the transfer of the remaining uncashed amounts to the states' unclaimed property funds. The escheatment process involves filing separately with each affected state (in this matter, unclaimed funds will be paid to 33 states as well as Puerto Rico). Given the number of states involved, JND anticipates that the process will be completed by the end of July 2021.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 28, 2021 at Seattle, Washington.



JENNIFER M. KEOUGH